THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12610 OF 2005

DATED 12th OCTOBER, 2006

BETWEEN

C.Shashi Kumar

… Petitioner

and

The Principal Secretary, Industries & Commerce (Mines) Department, Secretariat, Hyderabad and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12610 OF 2005

ORDER:

The petitioner is resident of Kadapa. He made an application to the concerned Assistant Director of Mines and Geology, Kadapa seeking grant of mining lease for Barytes in an extent of Acs.191.68 cents in survey No.221 of Lopatnuthala village of Lingala Mandal in Kadapa District. The application was forwarded by Assistant Director to the Mandal Revenue Officer for getting 'No Objection Certificate'. He sent a report stating that the land is assessed waste dry. On a reference by the second respondent, the Divisional Forest Officer, Proddatur also informed that the land is not a forest area. In spite of the same, the application was not disposed of as per the procedure for grant of mining lease in respect of major minerals. Therefore, the present writ petition is filed seeking a direction to respondents to consider the application of the petitioner, dated 15.05.2002.

While admitting the writ petition on 15.06.2005, this Court in W.P.M.P.No.16015 of 2005, passed interim order directing the respondents 1 to 3 to dispose of the application of the petitioner for grant of mining lease within a period of eight weeks from the date of receipt of the copy of the said order. The respondents 1 to 3 have now filed W.V.M.P.No.2806 of 2005. When the matter came up for consideration, the main writ petition is heard finally and is being disposed of by this order.

The Joint Director of Mines and Geology in the office of the second respondent filed counter affidavit *inter alia* stating that as the report of the fifth respondent is awaited, the application of the petitioner could not be considered. It is also further stated that the second respondent sought clarification from the Principal Chief Conservator of Forest.

Learned counsel for the petitioner would place strong reliance on the letter, dated 23.06.2004, of the Forest Divisional Officer, Proddatur addressed to the Conservator of Forests, Kurnool, wherein the former stated that the land in survey No.221 is situated at a distance of above 1.34 kilometers of reserve forest area. Therefore, he submits that even though the report was received from the Forest Department,

respondents kept the application pending, which is arbitrary.

Learned Government Pleader for Industries, however, points out that the second respondent sought clarification from the Principal Chief Conservator of Forest and as and when such clarification is received, the application of the petitioner can be considered.

The petitioner made application seeking mining lease for Barytes on 15.05.2002. For one reason or the other, the same has been kept pending even though this Court passed orders on 15.06.2005 directing respondents 1 to 3 to consider the application. Be that as it is, now that the second respondent sought clarification from the Principal Chief Conservator of Forest, if such clarification is already received, the respondents may consider and dispose of the application of the petitioner within a period of three months from the date of receipt of copy of this order. Even though, the clarification from the Principal Chief Conservator of Forest is not received as yet, the second respondent shall pursue the matter with the Forest Department and send appropriate recommendation to the first respondent, the competent authority for granting mining lease and then pass orders.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

12.10.2006.
pln